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9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.: **2010-037**

13 **BROOKE TERRA MILLER**
2300 Ashwood Place
14 Paso Robles, CA 93446

A C C U S A T I O N

15 Registered Nurse License No. 688513

16
17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., R.N (Complainant) brings this Accusation solely in
22 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.

24 2. On or about September 11, 2006, the Board of Registered Nursing (Board)
25 issued Registered Nurse License No. 688513 to Brooke Terra Miller (Respondent). The
26 Registered Nurse License was in full force and effect at all times relevant to the charges brought
27 herein and will expire on July 31, 2010, unless renewed.
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1 7. Section 2764 provides, in pertinent part, that the expiration of a license shall not
2 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
3 to render a decision imposing discipline on the license. Under section 2811(b), the Board may
4 renew an expired license at any time within eight years after the expiration.

5 **COST RECOVERY**

6 8. Section 125.3 provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licensee found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **CONTROLLED SUBSTANCES**

11 9. "Hydrocodone" is a Schedule III controlled substance as defined in Health and
12 Safety Code section 11056, subdivision (e)(4), and is categorized as a dangerous drug pursuant to
13 section 4022.

14 10. "Diazepam" is a Schedule IV controlled substance as defined in Health and
15 Safety Code section 11057, subdivision (d), and is categorized as a dangerous drug pursuant to
16 section 4022.

17 **FIRST CAUSE FOR DISCIPLINE**

18 *(Unlawful Possession of a Controlled Substance)*

19 11. Respondent is subject to disciplinary action under section 2761, subdivision (a),
20 in conjunction with section 2762, subdivision (a), in that Respondent unlawfully possessed the
21 controlled substance hydrocodone, as follows:

22 On or about May 19, 2007, Respondent brought her son into the French Hospital
23 emergency room for treatment of a broken arm. While in the emergency room, Respondent twice
24 withdrew a blister pack of six Hydrocodone, for a total of 12 Hydrocodone tablets, from the
25 Omniceil medication dispensing machine. The first time she accessed the Omnicell she used a
26 patient's number to which the pharmaceuticals were charged. Hospital records indicate that this
27 patient was not prescribed any Hydrocodone and did not receive any Hydrocodone. The second
28 time she accessed the Omnicell she used a "John Doe" number, which is a number assigned to a

1 patient until the identity of the patient is determined. When Respondent was confronted
2 regarding the thefts, she took her son and immediately left the emergency room.

3 **SECOND CAUSE FOR DISCIPLINE**

4 ***(False Entries in Hospital Record Pertaining to Controlled Substances)***

5 12. Respondent is subject to disciplinary action under section 2761, subdivision (a),
6 in conjunction with section 2762, subdivision (e), in that, Respondent made false entries in a
7 hospital record pertaining to controlled substances as follows:

8 Complainant refers to and incorporates all the allegations contained in paragraph 11
9 as though set forth fully.


10 **PRAYER**

11 *WHEREFORE*, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board issue a decision:

- 13 1. Revoking or suspending Registered Nurse License No. 688513, issued to Respondent;
14 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
15 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: 6/14/10

for



LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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